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09/576,218	05/22/2000	Yong-Tac Jcong	P56085	2206

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EXAMINER
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PHAM, THIERRY L

ART UNIT	PAPER NUMBER
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2625

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07/05/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

09/576,218

Applicant(s)

JEONG, YONG-TAE

Examiner

Thierry L. Pham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

- This action is responsive to the following communication: RCE filed on 6/11/07.
- Claims 1-37 have been canceled; claim 38 is newly added and currently pending.

#### *Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 38 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The examiner is unclear whether “computer” and “host computer” are the same device or different device. The examiner herein interprets “computer” and “host computer” are different devices. Clarification is required.

Claim 38 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Limitations/features “each computer of the plurality of printers comprising a controller adapted to determine standby print information indicative of an amount of standby print operations assigned via the network by all of a plurality of discrete sources to a corresponding one of the printers, a memory operative connected to the controller, and an interface adapted to transfer data between the controller and the network” as cited in claim 38 is confusing and unclear. (1) “each computer of the plurality of printers” is unclear. One computer for each printer? The examiner believe “each computer” in line 3 should read as “each printer”. As for prior art rejection purposes, the examiner herein assumes “each computer” as “each printer”. Clarification is required; (2) The examiner is unclear whether the “controller, memory device, and an interface device” belong to each computer or each printer. Later limitations/features as cited in claim 38 (second paragraph, “a plurality of computer...”) also includes a computer having a controller, memory, and an interface device. Appropriate action is herein required.

*Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 38 is rejected under 35 U.S.C. 102(b) as being anticipated by Ishii (JP 410116165A).

Regarding claim 38, Ishii discloses a system (system as shown in fig. 1), comprising:

- a plurality of printers (printers 20-22, fig. 1) operationally coupled to individually respond to instructions received via a network (network, fig. 1), each printer (printers 20-22) of the plurality of printers comprising a controller (par. 25-26) adapted to determine standby print information indicative of an amount of standby print operations (standby print operations, abstract and par. 130-14) assigned via the network by all of a plurality of discrete sources (printer's information, par. 25) to a corresponding one of the printers, a memory operatively (printer information storage 201 of printer 20, fig. 4) connected to the controller, and an interface (interface connecting to network 50, fig. 1 & 4) adapted to transfer data between the controller and the network; and
- a plurality of computers (computers 10-12, fig. 1) independently communicating by transferring data via the network, each of said computers comprising a microprocessor (processor 102 of computer 10, fig. 2) based controller, a memory (memory 103, fig. 1), and an interface (interface connecting to network 50, fig. 1) adapted to transfer data between the controller and the network, each memory of each of the computers individually registering network printer information (par. 23-24) representative of said plurality of printers, and each controller of each of the computers being adapted to individually complete registration items of network print information, and to respond to the registration by:
  - accessing (accessing print server 30 via network 50, fig. 1) network printer information registered in the memory of the at least one host computer (print server 30 includes a database retrieval unit 304 for acquiring and retrieving printer's information and such information is stored in storage device 306, fig. 6, par. 17, page 3) in response to reception of a command for printing print-data (a printing command issued by plurality of clients 10-13, fig. 1), to transmit a

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request command to each of the plurality of network printers (print server further includes a transmitting device 302 for transmitting a request to retrieve printer's information from plurality of printers via network 50, fig. 6, and such requests are performed periodically, par. 28; page 4) via the interface of the at least one host computer and the network and corresponding interfaces of the printers to command the printers to transmit standby print information (status information of plurality of printers as shown in fig. 8 and also see abstract and page 6) to via the network, determine a minimum-utilized networked printer having a lowest amount of standby print operations (printer standby time, abstract; NOTES: standby print information/operations is equivalent to the printers having "no print operations and/or a printer in waiting status" as described in originally filed specification, and please see fig. 8 of Ishii for more details) from among the printers having standby print operations from the standby print information transmitted from the networked printers to the at least one host computer in response to the request command; and transmitting the print-data via the network to the printer determined to be the minimum-utilized network printer (printer with "waiting status" and/or having the least print operation performed on the printers as shown in fig. 8). Notes: The examiner interprets "computer" as cited in claim 38 as computer 10-13 as shown in fig. 1 of Ishii, and "host computer" as cited in claim 38 as printer server 30 as shown in fig. 1 of Ishii.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thierry L. Pham whose telephone number is (571) 272-7439. The examiner can normally be reached on M-F (9:30 AM - 6:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on (571)272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Thierry L. Pham

A handwritten signature in cursive script that reads "Gabriel Garcia".

GABRIEL GARCIA  
PRIMARY EXAMINER